

REMARKS

In response to the Office Communication of December 24, 2008, the claims have been revised in order to show all claim amendments.

The drawings have been objected to in the Office Action as failing to show every feature of the claims. Applicants respectfully traverse the objection. There is no requirement that every feature of the claims be illustrated in the drawings. Here, the drawings clearly illustrate the invention, and the language referenced by the Examiner as not disclosed in the drawings is clearly supported in the specification and understood by the clear meaning in the claim itself. The Examiner is requested to withdraw the objection.

Claims 1-2 and 5 have been rejected under 35 USC 103(a) as unpatentable over Rom in view of Ng. The rejection is respectfully traversed.

The Examiner states that Rom discloses “a controller for registering, as a user value, traffic volume for each of said plurality of ports in an internal register” (emphasis added). Here, the Examiner refers to counters 1 to N in Fig. 3 of Rom as being equivalent to the claimed “internal register” 410 in the invention. However, counters 1 to N actually count the number of data packets that are currently present for each of the ports 1 to N. Hence, counters 1 to N more accurately reflect the packet counter registers for storing and counting information packets 510 in the claimed invention. This is acknowledged by the Examiner, on page 4 of the Office Action, where counter 1 to N is viewed as equivalent to counters 510 in the instant invention. Indeed, it appears that the Examiner is citing counters 1-N and Fig. 3 for both the packet counter registers and the internal register. As noted, the claimed invention, on the other hand, distinguishes between the counter registers (510) and the internal registers (410), each of which have different tasks and are arranged as two separate, independent devices. Additionally, Rom fails to disclose that “the value used to compare against the port traffic count value is a user value”, as required by the claimed invention and admitted to by the Examiner.

Ng is cited by the Examiner as disclosing a method for network storage flow control including “the value used to compare against the port traffic count value is a user value...[and] entering a user value for a maximum traffic volume”, which is not disclosed by Rom. It is noted that the claims require that there are two different values (the two values that are compared with each other) and, therefore, two different registers.

Claims 3-4 and 6 have been rejected under 35 USC 103(a) as unpatentable over Rom and Ng in view of Wang; and claim 7 has been rejected under 35 USC 103(a) as unpatentable over Rom, Ng and Wang, further in view of Rose and Raphaeli. The rejections are respectfully traversed for at least the same reasons presented in the arguments above.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 119010-415.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Kevin R. Spivak

Reg. No. 43,148

Customer No. 29177

Dated: January 26, 2009